

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Ishmael Sebastian Kelly**

**Docket No. 5:11-CR-166-1-FL**

**Petition for Action on Supervised Release**

COMES NOW Debbie W. Starling, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Ishmael Sebastian Kelly, who, upon an earlier plea of guilty to Possession of Firearms and Ammunition by a Convicted Felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on July 19, 2012, to the custody of the Bureau of Prisons for a term of 30 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
2. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
3. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
4. The defendant shall participate in a vocational training program as directed by the probation office.
5. The defendant shall submit a written weekly report to the probation office, if not regularly employed, of attempts to secure gainful employment.
6. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Ishmael Sebastian Kelly was released from custody on September 18, 2013, at which time the term of supervised release commenced. On October 31, 2013, a Violation Report was submitted to the court advising that the defendant had taken a morphine pill which was not prescribed to him, and was charged with Driving While License Revoked. His supervision was continued. The Driving While License Revoked charge was subsequently dismissed, and he has secured a valid drivers license.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** On June 25, 2014, the defendant submitted a urine specimen which proved positive for marijuana. The defendant was confronted and he admitted that he smoked marijuana on June 24, 2014. He stated that he relapsed due to significant stressors (birth of his child, death of his fiancé's mother, and eviction from residence within a two-week period). He expressed remorse for his actions, and states that despite the stressors, he should have not used drugs. He continues to participate in substance abuse and mental health treatment, and aside from the one instance of drug use, is otherwise compliant with supervision and treatment. He will continue to be monitored closely for future drug use. In order to provide a punitive sanction for his

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drug use, it is respectfully recommended that his conditions be modified to include two days in jail, and DROPS, second use level. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of two days as arranged by the probation office, and shall abide by all rules and regulations of the designated facility.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the second use level.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Debbie W. Starling  
Debbie W. Starling  
U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: July 10, 2014

**ORDER OF COURT**

Considered and ordered this 11th day of July, 2014, and ordered filed and made a part of the records in the above case.



Louise W. Flanagan  
U.S. District Judge